



3. FRCP 26(a)(1)(A)(i) mandates early disclosure of "each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses." Disclosures must be supplemented if incomplete (FRCP 26(e)). Plaintiffs failed to disclose new witnesses and topics.

4. Undisclosed witnesses must be excluded unless the failure was "substantially justified" or "harmless." FRCP 37(c)(1). Plaintiffs offer no excuse for omitting these individuals from disclosures, delaying the list, or providing additional topics. Discovery closed months ago, and no good cause is shown. Additionally, Plaintiffs' have now attempted to expand the scope of disclosed responding officers, to include "the policies and procedures regarding the use of excessive force...training provided by the Houston Police department, and the actions of the Houston Police Department." This undisclosed expansion requires exclusion pursuant to FRCP 37(c)(1). Plaintiff never included this expansion for these witnesses. Plaintiffs did however include these subjects for former Mayor Sylvester Turner and former Chief of Police, Troy Finner, who Plaintiffs did not list as Trial witnesses.

### **PRAYER**

Defendants request the Court exclude Julian Gravesande, Todd Phillips, C Haynes, Luis Ramirez, Marty Northern, Pastor Ashley Dellagiacoma, and Art Acevedo entirely as these witnesses were never disclosed in Plaintiffs' initial disclosures and exclude testimony on undisclosed topics for disclosed witnesses.

Respectfully submitted,

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Date: August 6, 2025.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of August 2025, a true and correct copy of the foregoing document, and any attachments, were delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, and alternatively via e-mail and/or facsimile transmission, to:

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